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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,033	08/25/2000	Mansukh M. Patel	112703-017	5292

29156 7590 08/20/2002

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EXAMINER
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CORBIN, ARTHUR L

ART UNIT	PAPER NUMBER
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1761

15

DATE MAILED: 08/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 1761

**EXAMINER'S ANSWER**

1. This is in response to the brief on appeal filed April 12, 2002.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

This appeal involves claims 1-20.

Claim 2 has been amended subsequent to the final rejection.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

The amendment after final rejection filed on January 7, 2002 has been entered.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

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AUG 20 2002  
**GROUP-1700**

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**(7) Grouping of Claims**

Appellant's brief includes a statement that claims 1-20 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

**(8) Claims Appealed**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

4,518,615	Cherukuri et al	5-1985
4,794,003	Cherukuri et al	12-1988
4,452,820	D'Amelia et al	6-1984
4,246,286	Klose	1-1981

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-6 and 14-20 stand rejected under 35 U.S.C. 102(b). This rejection is set forth in prior Office Action, Paper No. 5, Paragraph No. 5.

Claims 8-13 stand rejected under 35 U.S.C. 103(a). This rejection is set forth in prior Office Action, Paper No. ~~5~~, Paragraph No. ~~6~~.

Claim 7 is rejected under 35 U.S.C. 103(a). This rejection is set forth in prior Office Action, Paper No. ~~5~~, paragraph no. ~~9~~.

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Claims 1-20 stand rejected under the judicially created doctrine of obviousness-type double patenting as set forth in paragraph no. 9, Paper no. 5.

**(11) Response to Argument**

Appellant's comments with regard to each primary reference are without merit. Cherukuri et al ('003) clearly recites "without the use of a filler" (column 2, line 56) and includes lecithin (column 6). Cherukuri et al ('615) clearly suggests a gum base absent a filler and including an emulsifier, viz. glyceryl monostearate (Table III, Run D) and also requires the use of an emulsifier, e.g., lecithin or glyceryl monostearate (column 5, lines 1-2). D'Amelia et al discloses "0% filler" (column 5, lines 38-39 and column 10, line 61) and the use of lecithin (column 6, lines 20-25). The disclosure in each of these patents that the use of a filler is optional does not detract from their teaching that a gum base without a filler but including lecithin is known in the art. Additionally, the chewing gum prepared in each primary reference will inherently achieve appellant's result of reduced adhesion to environmental surfaces since appellant's claimed gum composition is disclosed by each primary reference.

Finally, the observation of another beneficial result in an old process cannot form the basis of patentability (Allen v. Coe, 57 USPQ 136 and In re Jones, 1941 CD 686).

For the above reasons, it is believed that the rejections should be sustained.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Corbin whose telephone number is 703-308-3850. The examiner can normally be reached on Tuesday to Friday from 10 am to 7:30 pm and alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano, can be reached on (703) 308-3929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

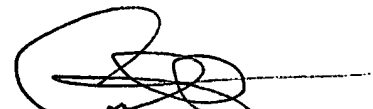
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Arthur Corbin

Corbin:mv

June 27, 2002

  
ARTHUR L. CORBIN  
PRIMARY EXAMINER

8-14-02

  
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